

Bryon J. Benevento (5254)  
Dan R. Larsen (4865)  
Chris Martinez (11152)  
Snell & Wilmer L.L.P.  
15 West South Temple, Suite 1200  
Beneficial Tower  
Salt Lake City, Utah 84101-1004  
Telephone: (801) 257-1900  
Facsimile: (801) 257-1800

Michael Einbinder (*Pro Hac Vice* to be filed)  
Matthew D. Brozik (*Pro Hac Vice* to be filed)  
Einbinder & Dunn, LLP  
104 W. 40th Street, 20th Fl.  
New York, NY 10018  
Telephone: (212) 391-9500  
Facsimile: (212) 391-9025

*Attorneys for Plaintiffs*

**COPY**

**IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR  
SALT LAKE COUNTY, STATE OF UTAH**

MARIPOSA EXPRESS, INC.; COLD  
SPRING INVESTMENTS, LLC; COLD  
SPRING INVESTMENTS #1, LIMITED  
PARTNERSHIP; COLD SPRING  
INVESTMENTS #2, LIMITED  
PARTNERSHIP; NEWBURYPORT  
CAPITAL, LLC; UNITED SHIPPING  
SOLUTIONS OF NY INC.; OUTFORCE,  
LLC; KBS LLC; UNITED SHIPPING  
SOLUTIONS LLC; M.K. LOGISTICS  
MANAGEMENT LLC; HANNAH  
ENTERPRISES, INC.; METRO MAR  
VENTURES LLC; BUCKEYE SHIPPING  
AND FREIGHT, INC.; MICHAEL JONES,  
LLC; USS O'BRIEN, INC.; USS  
HIGHLAND PARK, INC.; UNITED  
SHIPPING SOLUTIONS INC.; USS  
HOLDINGS, LLC,  
USS COLUMBIA, LLC; SHARON  
MCWILLIAMS; TEFAN  
TRIANDAFILOU; GREG CHRISTENSEN;

**PLAINTIFFS' MOTION FOR  
TEMPORARY RESTRAINING ORDER  
AND/OR PRELIMINARY INJUNCTION**

Case No. \_\_\_\_\_

Judge \_\_\_\_\_

STEVE LOWY; ERIC SWEENEY; JOHN  
TOLBERT; ROBERT PLATSCHEK;  
BRUCE M. MAZZOCHI; CHRIS  
KULAWIK; ROBERT HARRIS; JASON  
O'ROURKE; MIKE JONES;  
JIM O'BRIEN; and WILLIAM DEMET,

Plaintiffs,

- against -

UNITED SHIPPING SOLUTIONS, LLC;  
and USS LOGISTICS, LLC,

Defendants.

Plaintiffs hereby move the Court for emergency injunctive relief pursuant to Rule 65A of the Utah Rules of Civil Procedure as follows:

1. Restraining Defendants from enforcing the obligations contained in the United Shipping Solutions, LLC Franchise Agreement ("Franchise Agreement");
2. Restraining Defendants from contacting Plaintiffs' customers to collect accounts and/or otherwise interfering with Plaintiffs' relationship with their customers; and
3. Declaring Plaintiffs' obligations under the Franchise Agreement as being fully discharged as of November 21, 2008, so that Plaintiffs may seek an alternative supplier.

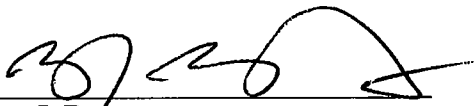
In accordance with Rule 65A, Plaintiffs hereby certify that they have given Defendants' legal counsel notice of this request for emergency injunctive relief in the manner set forth in the certificate of service.

As set forth more fully in the memorandum of law, Plaintiffs will suffer irreparable harm unless the Court enters the restraining order as specified above. Without immediate injunctive relief, Plaintiffs will be forced to close their businesses, fire their employees, sever their customer relationships and lose the goodwill they have worked so hard to establish. The threatened injury to the Plaintiffs greatly outweighs any damages to the Defendants. The proposed Temporary Restraining Order does not adversely affect the public interest. Indeed, it fosters the public interest by allowing the Plaintiffs to provide their customers with uninterrupted domestic shipping services. Finally, there is substantial likelihood that the Plaintiffs will prevail on the merits of the underlying claim since the Defendants have acknowledged their inability to satisfy the obligation to provide Plaintiffs with uninterrupted carrier services for domestic shipment.

This motion is supported by the Complaint, Memorandum of Law, and Affidavit of Sharon McWilliams filed contemporaneously herewith.

Dated this 3<sup>rd</sup> day of December, 2008.

Snell & Wilmer L.L.P.

  
\_\_\_\_\_  
Bryon J. Benevento  
Dan R. Larsen  
Chris Martinez

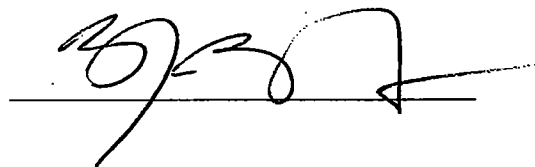
Michael Einbinder (*Pro Hac Vice* to be filed)  
Matthew David Brozik (*Pro Hac Vice* to be filed)  
Einbinder & Dunn, LLP  
104 W. 40th Street, 20th Fl.  
New York, NY 10018

**CERTIFICATE OF SERVICE**

I hereby certify that on the 3<sup>rd</sup> day of December, 2008, a true and correct copy of the foregoing was sent via facsimile, electronic mail and hand delivery to:

Ron Moffitt  
Stoel Rives  
201 S. Main Street, #1100  
Salt Lake City, Utah 84111

Attorney for Defendants

A handwritten signature in black ink, appearing to be "RM", is written over a horizontal line.